

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA

*Plaintiff,*

V.

0.094 ACRES OF LAND, MORE OR LESS,  
SITUATED IN HIDALGO COUNTY,  
TEXAS; AND EDIBERTO B. REYNA, JR.,  
ET AL.

*Defendant.*

[illegible]

CASE NO. 7:08-CV-302

## NOTICE TO THE COURT

The Plaintiff, United States of America (“United States”), files this Notice in response to the Court’s September 16, 2021 Order.<sup>1</sup>

## CLARIFICATION OF F&A OFFICER

1. On September 15, 2021, the United States and Defendant, Pamela Rivas (hereinafter, “the Parties”) filed a Stipulation for Revestment and Motion for Entry of Final Judgment.<sup>2</sup> In said stipulation, the parties requested, among other things, distribution of “the remaining sum of \$23,350.00, with accrued interest, payable to the order of ‘F&A Officer, USAED, Fort Worth,’ with the check referencing ‘Tract Nos. RGV-MCS-1004, 1004E-1, 1004E-2, 1004E-3, 1005-2, 1107, 1108, 1108-2, and 1108-3.’”<sup>3</sup>
2. On September 16, 2021, the court issued an order denying the Parties’ motion for final judgment at this time because “the parties offer no information about the officer’s name,

1 Dkt. No. 169  
2 Dkt. No. 168  
3 *Id.* at 5 ¶ 11.C.

address, or any other information that the Court may use to intelligibly instruct the Clerk of the Court with respect to transmission of this payment.”<sup>4</sup> Thus, the Court ordered the Parties (or the United States singly) to file a notice by September 22, 2021 “elaborating upon the ‘F&A Officer, USAED, Fort Worth’ and providing the Court with intelligible information by which the Court may ensure that payment is made to the proper recipient.”<sup>5</sup>

3. The phrase “F&A Officer, USAED, Fort Worth” is short for “Finance and Accounting Officer, U.S. Army Engineer District, Fort Worth.” Because this “F&A Officer” may change between the time the motion is filed and the time the order is signed by the Court, the United States has generally requested that checks be made payable to the position, not the individual.
4. The United States has previously utilized the same “F&A Officer, USAED, Fort Worth” designation in other border fence cases before this Court, and other courts, when certain funds are to be returned to the United States.<sup>6</sup> Once the Clerk’s Office disburses the physical check to “F&A Officer, USAED, Fort Worth,” the U.S. Attorney’s Office-Southern District of Texas-Brownsville Division accepts the check and mails it to the “U.S. Army Corps of Engineers, Real Estate Division (ATTN: KILEY ROSENSTIEL) 819 Taylor Street, Room 2A06 Fort Worth, Texas 76102.”
5. To answer the Court’s specific question, the current Finance and Accounting Officer for the U.S. Army Engineer District, Fort Worth, is: Charanne Marshall, Finance and

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<sup>4</sup> Dkt. No. 169

<sup>5</sup> *Id.*

<sup>6</sup> See e.g., Agreed Motion to Disburse Funds (Dkt. 13, Civil No. 1:18-cv-281); Order (Dkt. 14, Civil No. 1:18-cv-281); Joint Stipulation of Dismissal and Agreement to Disburse Funds (Dkt. 38 at 2, Civil No. 7:20-cv-026); Order (Dkt. 39 at 2, Civil No. 7:20-cv-026)).

Accounting Officer, USACE, Fort Worth District, P.O. Box 17300, Room 3A37, Fort Worth, TX 76102.

6. However, for the reasons stated above, the United States respectfully renews its request that the remaining sum of \$23,350.00, with accrued interest, still be made payable to the position: "F&A Officer, USAED, Fort Worth," with the check referencing "Tract Nos. RGV-MCS-1004, 1004E-1, 1004E-2, 1004E-3, 1005-2, 1107, 1108, 1108-2, and 1108-3." Defendant, Pamela Rivas, is unopposed to this request.

Respectfully submitted,

**JENNIFER B. LOWERY**  
Acting United States Attorney  
Southern District of Texas

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**CERTIFICATE OF CONFERENCE**

I certify that I conferred with Defendant's counsel, Ricky Garza, regarding this notice, and he is unopposed.

**s/ Christopher D. Pineda**

CHRISTOPHER D. PINEDA

Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was sent to all counsel of record via the court enabled electronic filing system on September 21, 2021.

**s/ Christopher D. Pineda**

CHRISTOPHER D. PINEDA

Assistant United States Attorney